

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

BARBARA BEAM,
Plaintiff,

v.

MICHAEL J. ASTRUE
Commissioner of Social Security,
Defendant.

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Civil Action No. 1:08CV472

J U D G M E N T

THIS MATTER is before the Court on the parties' consent motion, pursuant to sentence four of 42 U.S.C. § 405(g), requesting the Court to enter a judgment reversing the Commissioner's decision with a remand of the cause for further administrative proceedings. Based on the consent of the parties, the motion will be granted.

On remand, the Commissioner will assign this matter to an Administrative Law Judge ("ALJ") who will 1) evaluate the November 2, 2004, Functional Capacity Evaluation according to Social Security Ruling 06-03p; 2) re-assess Plaintiff's subjective complaints; 3) re-determine Plaintiff's residual functional capacity; and 4) if necessary, obtain vocational expert testimony to determine if there are other jobs in the national economy that Plaintiff can perform.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g),

IT IS, THEREFORE, ORDERED that the parties' consent motion is **ALLOWED**, and the Commissioner's decision is hereby **REVERSED** under sentence four of 42 U.S.C. § 405(g), and this action is hereby **REMANDED** to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: February 25, 2009

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

